

**CITY OF LAKE STEVENS
Lake Stevens, Washington**

ORDINANCE NO. 1090

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON ADOPTING FINDINGS OF FACT; ADOPTING INTERIM ZONING CODE REGULATIONS FOR MOBILE FOOD VENDORS; SETTING FEES; PROVIDING FOR THE DURATION OF THIS ORDINANCE AND PUBLIC HEARING; ESTABLISHING A WORK PROGRAM; PROVIDING FOR SEVERABILITY, EXPIRATION SUMMARY PUBLICATION BY ORDINANCE TITLE ONLY AND AN EFFECTIVE DATE.

WHEREAS, the Lake Stevens City Council directed staff to develop interim controls for mobile food vendors at its May 12, 2016 meeting to further its economic development goals; and

WHEREAS, the City of Lake Stevens is authorized to adopt interim land use controls pursuant to RCW 36.70A.390 and RCW 35A.63.220; and

WHEREAS, the Lake Stevens City will hold a public hearing on the interim amendments within 60 days of adopting this ordinance; and

WHEREAS, the proposed interim official controls will promote the public health, safety, morals, and general welfare, and are consistent with the goals and policies of the Comprehensive Plan; and

WHEREAS, state statute allows interim land use controls to be effective for up to one year if a work plan is developed for related studies providing for such longer period pursuant to RCW 36.70A.390 and RCW 35A.63.220;

WHEREAS, the City is proposing that interim regulations be adopted concerning mobile food vendors supported by a detailed Scope of Work attached hereto as Exhibit A and Schedule attached hereto as Exhibit B; and

WHEREAS, the Lake Stevens Planning Commission will review the interim language for mobile food vendors consistent with the work plan/schedule attached hereto as Exhibit A and Scope of Work attached hereto as Exhibit B, which exhibits are incorporated herein by this reference, and adopt permanent amendments in Chapter 14.44 LSMC; Now, therefore,

WHEREAS, the temporary mobile food vendor regulations contained in this ordinance shall be controlling in the event of any discrepancy or inconsistency with any other code provision contained in the remainder of Title 14 LSMC.

WHEREAS, it is necessary to adopt interim fees for the administration of these regulations for the duration of the interim ordinance.

WHEREAS, this ordinance satisfies the procedural and substantive requirements of and is consistent with the GMA; and

WHEREAS, pursuant to WAC 197-11-880 and LSMC Chapter 16.04, the adoption of this ordinance is exempt from the requirements for a threshold determination under the State Environmental Policy Act (SEPA).

THE CITY COUNCIL OF THE CITY OF LAKE STEVENS, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Findings. The City Council hereby adopts the recitals expressed above as findings in support of this ordinance.

Section 2. Purpose. The purpose of this interim zoning ordinance is to enact for the term of this ordinance for mobile food vendor regulations.

Section 3. Interim Zoning Regulations. Lake Stevens Municipal Code 14.08.010 is hereby amended for the term of this ordinance, adding the following definitions:

Mobile Food Vendor. A seller of prepackaged or prepared food from a food preparation van, truck, cart or other vehicle of conveyance, whether upon private property, the public right-of-way, or other public property.

Mobile Sales and Delivery. A business where employees or contractors provide mobile sales and services of goods that includes Ice Cream Trucks, Mobile Delivery, Peddlers, and Similar Uses. Mobile Sales and delivery do not include mobile food vendors or mobile vending units as defined separately.

Mobile Vending Unit. A mobile food preparation van, truck, trailer, cart, or other vehicle of conveyance used for the sale of prepackaged or prepared food.

Section 4. Interim Zoning Regulations. Lake Stevens Municipal Code 14.44.400 Sales of Food from Stationary Motor Vehicles on City-Owned Property is hereby suspended for the term of this ordinance.

Section 5. Interim Zoning Regulations. Lake Stevens Municipal Code 14.44.410 Sales of Food from Stationary Vehicles on Property Not Owned by the City is hereby suspended for the term of this ordinance.

Section 6. Interim Zoning Regulations. Lake Stevens Municipal Code 14.44.080 Mobile Sales and Delivery is hereby amended for the term of this ordinance, to read:

Mobile sales (excluding mobile food vendors) and delivery (Class 2.300 uses) is permitted in all zones. Review will occur annually in conjunction with a business license renewal.

Section 7. Interim Zoning Regulations. Table 14.40-I Table of permissible uses is hereby amended to include modified and new uses, for the term of this ordinance, as follows:

2.300	Mobile Sales and Delivery (Vending Carts , (Ice Cream Trucks, Mobile Delivery, Peddlers, and Similar Uses) (See Section 14.44.080) ²	P	P	P	P	P	P	P	P	P	P	P	P
2.310	Mobile Food Vending Units (Food trucks or similar vehicles, Vending Carts)						P	P	P	P	P	P	P

Section 8. Interim Zoning Regulations. A new Lake Stevens Municipal Code section 14.44.085 Mobile Food Vendors is hereby adopted for the term of this ordinance, to read as follows:

(a) Purpose. The purpose of this section is to support local entrepreneurs, stimulate economic vitality, and provide regulations that protect public health and safety associated with the operation of mobile food vendors.

(b) License Required. To operate a mobile food vendor unit a city business license is required.

(1) No licenses shall be required for mobile food vendors exempt from a business license under LSMC 4.04.040 or associated with a city authorized special event.

(2) All mobile food vendor licenses shall be prominently displayed upon all carts, vehicles or locations from which a mobile food vendor sells products.

(3) The mobile food vendor license and addendum will be reviewed annually for continued compliance.

(c) Application. The submittal requirements for business license review shall include the following:

(1) Mobile Food Vendor Addendum Application

(2) A scaled site plan depicting the following:

(i) Vehicle ingress and egress;

(ii) Location of the mobile vending unit, signs, and accessory equipment such as tables and canopies, if any; and

(iii) Site conditions including property parcel lines, parking, and buildings.

(3) Photograph of the vending unit, proposed signs, and any accessory equipment.

(4) Proof of approval by the Snohomish Health District.

(5) A written plan demonstrating appropriate disposal of wastewater and/or used cooking oil generated by the mobile vending unit. Grease shall be properly disposed of pursuant to the adopted Washington State health regulations.

(6) Evidence of current Washington vehicle registration.

(7) Proof of approval by the Washington State Department of Labor & Industries.

(8) Written permission from the property owner for each proposed location the mobile food vendor proposed to conduct sales of food. This includes written permission from the property owner for employees of the vending unit to use the property owner's restroom.

(d) General Regulations.

(1) No portion of the vending unit may be used as sleeping quarters.

(2) All attachments to the vending unit, including but not limited to signs, lights, overhangs, and awnings shall be maintained in such a manner as to not create a hazard to pedestrians, customers or vehicles.

(3) Mobile Food Vendors shall not obstruct sidewalks, streets, access points, fire lanes, or parking lot circulation by either the location of the vending unit, its accessories, or by causing customers to congregate.

- (4) Mobile Food Vendors shall comply with the standards set forth by the Washington State Department of Labor & Industries for electrical service to the mobile unit. Electrical lines shall not be located overhead or on the ground in a manner that creates a public hazard or obstructs ADA access.
- (5) If a mobile food vendor uses an external propane tank (not mounted on the mobile food preparation van), wood/charcoal, external power connections and/or tent structures, the mobile food vendor will be subject to additional review by the Fire Marshal.
- (6) Trash and other waste.
 - (i) Mobile Food Vendors shall leave the site clean and vacant each day, including picking up all trash and litter generated by the mobile food vendor's customers within 100-feet of the vending unit.
 - (ii) Mobile Food Vendors shall provide trash receptacles large enough to accommodate customer use. Trash receptacles not intended for customer use shall be screened from public view and securely covered.
 - (iii) The mobile food vendor shall install and maintain an adequate grease trap in the vending unit. Grease shall be properly disposed of per adopted Washington State health regulations.
 - (iv) Wastewater generated by the vending unit shall be disposed of in a proper manner and documented.
- (7) The hours of operation for mobile vending are limited to 7:00 a.m. to 11:00 p.m. Vendors operating within the public right of way shall not conduct sales between 4:00 p.m. to 6:00 p.m.

(e) Permitted Locations.

- (1) Mobile food vending units shall be prohibited in any residential zones and abutting rights-of-way.
- (2) Mobile food vending units shall not be located within 250 feet of any restaurant without written permission from the restaurant owner.
- (3) Mobile food vending units are allowed on private properties, in commercial and industrial areas pursuant to Table 14.40-I, and subject to written approval from the owner and the following requirements and restrictions:
 - (i) One portable pop-up tent that does not exceed 120 square feet or up to three tables with beach type umbrellas may be permitted as an accessory to the mobile vending unit. No cooking shall take place under the tent. Umbrellas and canopies must be removed at the end of the day.
 - (ii) Mobile food vendor must obtain restroom use permission for employees from the property owner. Portable restrooms are not permitted on site.
 - (iii) Mobile food vending unit may not diminish required off-street parking for another use.
 - (iv) Vending unit shall conform to the standard front setback for the zoning district.
 - (v) All temporary signage associated with the mobile vending unit shall be limited to 10 square feet.

(4) Mobile food vending units are allowed on public properties, including parks and street rights-of-way subject to a concession agreement, in addition to the license requirements of this section subject to the following requirements:

- (i) Customers shall not be served on the street side of the vending unit if parked in the public right of way; and
- (ii) No vending unit, sign, canopy or accessory may locate in the sight distance triangle or project into the roadway as to cause a safety hazard.

(f) Special Events.

(1) Mobile food vendors may operate part on private and public properties as part of an approved event permit, subject to the following:

- (i) Management of vendors, such as vendor selection, booth location and products offered shall be the responsibility of the event sponsor. Through the event permit process, the City may regulate the location of vendors to protect the health, safety and general welfare of the public and ensure that the event does not adversely affect the ability of the City to perform its duties and functions.
- (ii) The event sponsor shall be responsible to ensure that vendors associated with the event are sufficiently insured for all liabilities.
- (iii) The event sponsor shall be responsible to ensure that all food vendors have the necessary permits per the current Snohomish County Health District requirements or other applicable State or County regulatory agency.

(g) Revocation of permit. A mobile food vendor, permitted pursuant to this section, may have its license revoked, suspended, or denied subject to LSMC 4.04.150. if the City finds:

- (a) The vendor has violated or failed to meet the terms of this section and all other applicable sections of the municipal code or conditions of approval; or
- (b) The mobile food unit operation is detrimental to the surrounding businesses or to the public due to either appearance or conditions of the stand.

Section 9. Fees. For each mobile vending unit, there shall also be an annual review fee of \$150.00.

Section 10. Duration of Interim Zoning Regulations/Public Hearing. The interim Zoning Code amendments adopted by this ordinance shall remain in effect for a period of 12 months from the effective date and shall automatically expire unless the same are extended as provided in RCW 36.70A.390 and RCW 35A.63.220 prior to that date, or unless the same are repealed or superseded by permanent amendments prior to that date.

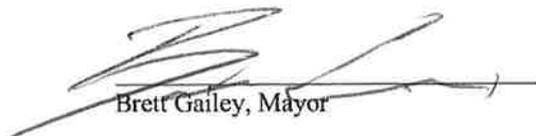
Section 11. Planning Commission Work Plan. This Ordinance shall be referred to the Lake Stevens Planning Commission for study, review and a recommendation to the City Council for permanent zoning regulations.

Section 12. Copy to Commerce Department. Pursuant to RCW 36.70A.106(3), the City Clerk will send a copy of the permanent ordinance to the State Department of Commerce for its files within ten (10) days after adoption.

Section 13. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 14. Effective Date. This Ordinance shall take effect and be in full force five days after passage and publication of an approved summary consisting of the title.

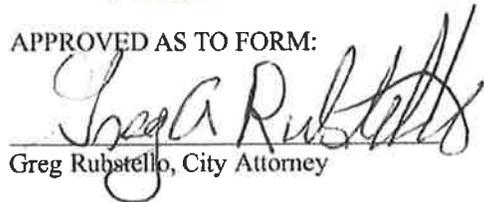
PASSED by the Council and approved by the Mayor of the City of Lake Stevens, this 26th day of May 2020.


Brett Gailey, Mayor

ATTEST/AUTHENTICATED:


Kathy Pugh, City Clerk

APPROVED AS TO FORM:


Greg Rubstello, City Attorney

PASSED: 5/26/2020
PUBLISHED: 5/30/2020
EFFECTIVE DATE: 6/4/2020

EXHIBIT A

City of Lake Stevens Mobile Food Vendors Code (Chapters 14.08, 14.44 LSMC) Work Plan

	Mobile Food Vendor Regulations					
ACTIVITY	May	June	July	August	September	October
Research						
Draft Code Amendments						
Draft Ordinances						
Attorney Review						
Prepare & Issue SEPA (comment/appeal)				8/X/2020		
Commerce Review – Expedited Review				8/X/2020		
Publish Notice Planning Commission Public Hearing				Notice Twice – 1st notice 10 Days Before Hearing		
Planning Commission Review (B-briefing; PH-public hearing)			7/1/2020 (B)	8/5/2020 (B)	9/2/2020 (PH) or 9/16 if 3 rd briefing required	
Publish Notice City Council Public Hearing	5/12/2020 (B)				Notice Twice – 1st notice 10 Days Before Hearing	
City Council Briefings & Workshops (B-briefing; PH-public hearing)	5/26/2020 – City Council Adopts interim regulations	6/23/2020 (PH) interim regulations		8/18/2020 (B)		10/13/2020(PH)
Effective date						Code Revisions Effective - 5 Days After Publication

Purpose: Consideration of additional regulations to allow food trucks outside of special events for inclusion in the Lake Stevens Municipal Code.

EXHIBIT B



Scope of Work

Subject: Mobile Food Vendors (Food Trucks)

BACKGROUND/HISTORY:

Lake Stevens currently only permits food trucks associated with city authorized events pursuant to LSMC 14.16C.065. Sections LSMC 14.44.400 and LSMC 14.44.410 currently regulate sales of food from stationary vehicles on private and city property.

The Lake Stevens City Council has expressed interest in adopting interim mobile food vendor regulations to allow food trucks and other mobile vending units to operate outside of special events this summer. In many cities, food trucks have been shown to be a driver of economic development by stimulating local entrepreneurship and job growth.

PROPOSED ACTIONS:

- A. Adopt interim ordinance to develop standards permit food trucks and food carts outside of city authorized events.
- B. Develop permanent regulations based on the interim ordinance with input from the Planning Commission and interested stakeholders to allow mobile food vendors on private and public properties and continue their use as amenities for special events.
- C. Review findings, recommendations and proposed permanent regulations with the City Council throughout the process.